

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 2. Figure 2 has been amended to correctly show the straps 30, 31 passing behind elements 11 and 12.

REMARKS

The application has been amended and is believed to be in condition for allowance.

Previously, claims 1-6 were pending with claim 1 being independent. This amendment adds new claims 7-20 with claims 7 and 18 being independent.

Figure 2 is amended to correctly show straps 30 and 31 passing behind portions of side flaps 11 and 12.

The Official Action objected to the specification page 2, last line. The specification has been amended as has claim 6.

Claims 1 and 3-5 were rejected as anticipated by HELY 5,067,486.

Claims 2 and 6 were rejected as obvious over HELY in view of MIKLAUS et al. 5,209,722.

Independent claim 1 has been amended so as to patentably recite the present invention. The newly-presented claims (independent claims 7 and 18) also patentably recite the present invention. Further, the features of the newly-presented dependent claims are also believed to patentably recite the present invention. These claims are believed to be patentable in that the prior art, as known by applicant and as applied, does not teach or suggest all of the features of the recited invention. In that the particular combination of features recited are both novel and non-obvious, the pending claims are believed

to be patentable. Reconsideration and allowance of all the pending claims are respectfully requested.

In the invention as recited as least by the independent claims, the first set of straps are used to tighten the side flaps thereby providing a front opening by the side flaps coming together. More particularly, claim 1 recites primary fastening means operable to draw the side flaps together and each side flap having at least two apertures positioned to form two pairs of adjacent apertures when the side flaps are pulled together. This is accomplished by the recitation of at least two first straps, each strap able to engage with one side flap and be passed through a corresponding one of the two apertures in the other side flap and then returned to the first side flap for engagement with the first side flap.

This structure, in contrast to the applied art, provides for an orientation of the straps that remain isometric and therefore exert a constant resistance to inversion/aversion of the hind foot during normal ankle joint movement.

The applied art does not teach this structure. Nor does the applied art suggest this structure.

Further, see that the claims (especially the new claims) recite secondary fastening means or a second set of straps and in the dependent claims a third set of straps. This combination of features is not seen in the applied references.

Most producers in this field have laced up boot elements, whereas the present invention avoids the use of laces. See new independent claim 18. In the prior art, laces are advantageous as they allow the best grip and fit on the foot and therefore the most stable platform for stabilizing straps, such as straps 40 and 41. The negative for laces is that they are difficult to put on and off so there have been attempts to devise methods for making the process simpler and more convenient.

In relation to the present invention, the inventor has sought simplicity of grip and maximum fit for individual anatomy. Secondly, the inventor has provided has provided a product functional biomechanical advantage insofar as the inventive support resists movements that initiate the inversion injury mechanism. See new dependent claim 16.

Also note that the present invention provides a construction wherein the straps allow the boot element to interchangeably fit both left and right feet. This is advantageous in that a set of elements are interchangeable and do not need to be specifically shaped for the left and right feet. See new dependent claims 17 and 20.

Further, the closure straps can originate on either side of the boot and be placed such that the top and lower straps run in separate directions. This is illustrated by Figure 2 and recited by at least dependent claim 11.

The straps are also arranged to run in opposite directions so that the forefoot can be pronated or supinated relative to the hind foot. See new dependent claim 16.

Inversion injuries of the ankle begin with supination of the forefoot followed by internal rotation of the foot followed by flexation of the ankle and finally inversion of the hind foot. This is the mechanism of "going over on your ankle". The strapping configuration of the present invention allows one to pre pronate the forefoot and resist the initial movements that initiate the inversion injury mechanism. This advantageous construction is believed both novel and non-obvious over the prior art.

In that the recited structure of the invention is both novel and non-obvious over the applied art, applicant believes that the presently-presented claims are patentably distinguishable over the prior art. Accordingly, reconsideration and allowance of all the pending claims are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr., Reg. No. 41,949  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

REL/lk

**APPENDIX:**

The Appendix includes the following item:

- a Replacement Sheet for Figure 2 of the drawings